

SENATE RECORD VOTE ANALYSIS

104th Congress
2nd Session

Vote No. 230

July 23, 1996, 4:57 pm
Page S-8508 Temp. Record

WELFARE REFORM RECONCILIATION/Religious-Charitable Contracting

SUBJECT: Personal Responsibility and Work Opportunity Act of 1996 . . . S. 1956. Domenici motion to waive the Budget Act for the consideration of section 2104.

ACTION: MOTION AGREED TO, 67-32

SYNOPSIS: As reported, S. 1956, the Personal Responsibility and Work Opportunity Act of 1996, will enact major welfare reforms. The Aid to Families with Dependent Children (AFDC) program will be replaced with a new Temporary Assistance for Needy Families (TANF) block grant to the States. The TANF block grant will be capped through 2001. Time limits will be placed on individuals receiving TANF benefits. Overall, the growth in non-Medicaid welfare spending will be slowed to 4.3 percent annually. The bill originally included major Medicaid reforms, but most of those provisions were stricken when the bill was reported. Without those Medicaid reforms, welfare spending will still be reduced by \$61.4 billion over 6 years.

Section 2104 will allow States to provide assistance through contracts with religious and charitable organizations so long as such programs do not violate the establishment clause of the Constitution. The Federal Government and the States will not be allowed to discriminate against organizations because of their religious character when awarding contracts. The Federal Government and the States will not be allowed to require a religious organization to alter its form of internal governance or to remove religious art, icons, scripture, or other symbols. A welfare recipient who objects to the religious character of a contractor will be given assistance from another provider. A religious contractor will not discriminate against a welfare recipient based on religion, a religious belief, or a refusal to participate in a religious practice. A religious organization's exemption from section 702 of the Civil Rights Act (employment practices) will not be affected by entering into a contract to provide welfare services.

Senator Exon raised a point of order that Section 2104 violated section 313(b)(1)(A) because it had no budget impact. Senator Domenici then moved to waive the Budget Act for the consideration of that section. Generally, those favoring the motion to waive favored that section; those opposing the motion to waive opposed that section.

NOTE: A three-fifths majority (60) vote is required to waive the Budget Act.

(See other side)

YEAS (67)			NAYS (32)			NOT VOTING (1)	
Republicans (49 or 94%)	Democrats (18 or 38%)		Republicans (3 or 6%)	Democrats (29 or 62%)		Republicans (1)	Democrats (0)
Abraham	Hatfield	Baucus	Chafee	Akaka	Harkin	Kassebaum- ⁴	
Ashcroft	Helms	Biden	Jeffords	Boxer	Hollings		
Bennett	Hutchison	Bingaman	Specter	Bryan	Kennedy		
Bond	Inhofe	Bradley		Bumpers	Lautenberg		
Brown	Kempthorne	Breaux		Byrd	Leahy		
Burns	Kyl	Dodd		Conrad	Levin		
Campbell	Lott	Heflin		Daschle	Moseley-Braun		
Coats	Lugar	Inouye		Dorgan	Murray		
Cochran	Mack	Johnston		Exon	Pell		
Cohen	McCain	Kerrey		Feingold	Pryor		
Coverdell	McConnell	Kerry		Feinstein	Reid		
Craig	Murkowski	Kohl		Ford	Robb		
D'Amato	Nickles	Lieberman		Glenn	Rockefeller		
DeWine	Pressler	Mikulski		Graham	Simon		
Domenici	Roth	Moynihan			Wyden		
Faircloth	Santorum	Nunn					
Frahm	Shelby	Sarbanes					
Frist	Simpson	Wellstone					
Gorton	Smith						
Gramm	Snowe						
Grams	Stevens						
Grassley	Thomas						
Gregg	Thompson						
Hatch	Thurmond						
	Warner						

EXPLANATION OF ABSENCE:
 1—Official Business
 2—Necessarily Absent
 3—Illness
 4—Other

SYMBOLS:
 AY—Announced Yea
 AN—Announced Nay
 PY—Paired Yea
 PN—Paired Nay

Those favoring the motion to waive contended:

Religious providers of welfare services have done a much better job of moving people from dependency into work than have other providers. Faith is a wonderful and effective motivator, both for the people who run the programs and for the people who receive the services. No Senator has denied the fact that welfare programs that are run by religious organizations run better than programs that are run by governments. However, even though Senators know how incredibly beneficial welfare programs run by religious groups are, they are determined to ban them unless their religious character is carefully hidden. They believe that a group that is motivated by its love of God should have to make certain that the people it serves see no indication of that fact. We believe that demand would hurt the effectiveness of a religious group's program, but whether it would or not is not the point. Making that demand would be discriminatory. No other type of group would be required to hide its views. For other groups, the only criteria would be whether or not they were qualified to run a program. Civic groups, veterans organizations, ethnic organizations, or any other organizations that were qualified to run a welfare program would not be required to hide their views. The section of the bill that would be stricken by the pending point of order will ban discrimination against religion. We are against discrimination against religion, so we urge our colleagues to waive the pending point of order.

Those opposing the motion to waive contended:

We are on very uneasy constitutional grounds with the language on religious welfare providers that is in this bill. In our opinion, we need to have a very strict separation of church and state, both to protect the rights of individual citizens and to protect religions. The establishment clause guarantees both that all religious faiths will be treated equally and that no religious faith will be subverted by the Government. If the Federal Government contracts with a religious provider, and a person then receives Federal services through that provider, the unmistakable impression that person will receive is that the particular religion of that provider has a Federal imprimatur of approval. It will appear to be the favored religion. The religious practices that a person sees or participates in when receiving Federal services will seem to be Government-favored religious practices. We oppose establishing a State religion--as a matter of principle, all faiths should be accorded equal treatment. For particular religions, too, allowing them to provide services poses a great danger. Once they become entangled with Government, it does not take long for the Government to start imposing restrictions and mandates on them. What should be decided by faith is soon decided by legislators and bureaucrats. Thus, both to protect the rights of individuals and to protect the independence of religions, we must oppose the motion to waive.